

Docket No.: 0760-0262P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Yukoh HIEI et al.

Application No.: 09/229,324

Confirmation No.: 7108

Filed: June 19, 2002

Art Unit: 1638

For: METHOD FOR TRANSFORMING
MONOCOTYLEDONS

Examiner: G. L. Helmer

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

08/11/2005 SZEWDIE1 00000070 09229324

Sir:

02 FC:1814

130.00 OP

The undersigned is attorney of record for the assignee of the above-identified application. Japan Tobacco Inc. certifies that it is the owner of 100% interest in the above identified patent application, as evidenced by the assignment, said assignment having been recorded in the U.S. Patent and Trademark Office on May 3, 1994 at Reel 7099, Frame(s) 0247.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,591,616. The owner hereby agrees that any patent that is granted on the above-identified application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assignees.

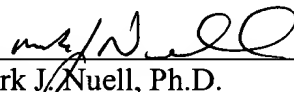
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the

full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminate prior to the expiration of its full statutory term.

Our check in the amount of \$130.00 covering the fee set forth in 37 CFR 1.20(d) is enclosed. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: August 10, 2005

Respectfully submitted,

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